

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Caitlin Schwartz	Team: Team # 6	CCRB Case #: 201212446	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 09/20/2012 8:00 PM	Location of Incident: in front of 723 Burke Avenue/in front of 704 Burke Avenue		Precinct: 47	18 Mo. SOL 3/20/2014	EO SOL 3/20/2014
Date/Time CV Reported Tue, 09/25/2012 4:31 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Tue, 09/25/2012 4:31 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Brandon Ravelo	26010	948409	047 PCT
2. POF Teresa Busweiler	26473	948312	047 PCT
3. POM Charles Gove	14285	939968	047 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Roy Ulloa	00000	923285	047 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Brandon Ravelo	Abuse: PO Brandon Ravelo questioned § 87(2)(b) in front of 723 Burke Avenue in the Bronx.	
B.POM Brandon Ravelo	Abuse: PO Brandon Ravelo stopped § 87(2)(b) in front of 704 Burke Avenue in the Bronx.	
C.POM Charles Gove	Abuse: PO Charles Gove stopped § 87(2)(b) in front of 704 Burke Avenue in the Bronx.	
D.POF Teresa Busweiler	Abuse: PO Teresa Busweiler stopped § 87(2)(b) in front of 704 Burke Avenue in the Bronx.	
E.POM Brandon Ravelo	Abuse: PO Brandon Ravelo threatened to arrest § 87(2)(b) in front of 704 Burke Avenue in the Bronx.	
F.POF Teresa Busweiler	Abuse: PO Teresa Busweiler searched § 87(2)(b) in front of 704 Burke Avenue in the Bronx.	
§ 87(4-b), § 87(2)(g)		

### Case Summary

On September 25, 2012, § 87(2)(b) filed this complaint with the Civilian Complaint Review Board via its Call Processing System (encl. 4D-E). On September 20, 2012, § 87(2)(b) was stopped by PO Teresa Busweiler, PO Charles Gove and PO Brandon Ravelo, all of the 47<sup>th</sup> Precinct at the intersection of Cruger Avenue and Burke Avenue in the Bronx. Lt. Roy Ulloa, also of the 47<sup>th</sup> Precinct, was later called to the scene. The following allegations resulted:

**Allegation A—Abuse of Authority: PO Brandon Ravelo questioned § 87(2)(b) in front of 723 Burke Avenue in the Bronx.**

**Allegation B—Abuse of Authority: PO Brandon Ravelo stopped § 87(2)(b) in front of 704 Burke Avenue in the Bronx.**

**Allegation C—Abuse of Authority: PO Charles Gove stopped § 87(2)(b) in front of 704 Burke Avenue in the Bronx.**

**Allegation D—Abuse of Authority: PO Teresa Busweiler stopped § 87(2)(b) in front of 704 Burke Avenue in the Bronx.**

**Allegation E—Abuse of Authority: PO Brandon Ravelo threatened to arrest § 87(2)(b) in front of 704 Burke Avenue in the Bronx.**

**Allegation F—Abuse of Authority: PO Teresa Busweiler searched § 87(2)(b) in front of 704 Burke Avenue in the Bronx.**

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

On October 1, 2012, during his CCRB interview, both mediation and investigation were presented to § 87(2)(b). § 87(2)(b) opted for investigation.

### Results of Investigation

#### Civilian Statement

**Complainant/Victim:** § 87(2)(b)

- § 87(2)(b) on the incident date, § 87(2)(b) is a black male, who stands at five feet and eleven inches tall, and weighs 235 pounds with black hair and brown eyes. § 87(2)(b)

#### CCRB Testimony

On October 1, 2012, § 87(2)(b) was interviewed at the CCRB (encl. 5A-F). § 87(2)(g)

(g)

On September 20, 2012, at a time determined by the investigation to be 8:00 p.m., § 87(2)(b) walked out of a store, which the investigation determined to be located at 723 Burke Avenue, where he had just purchased a Gatorade. At the time of the incident, § 87(2)(b) wore a football jersey and § 87(2)(b) blue cargo pants. He had taken approximately three steps out of the store and a sip of his beverage when three officers, determined by the investigation to be PO Teresa Busweiler, PO Charles Gove and PO Brandon Ravelo, approached him on the corner. It was dark out, but the street remained well lit. The officers pulled up to the corner in a marked vehicle, and then all exited the vehicle simultaneously. They yelled at § 87(2)(b) for his identification. § 87(2)(b) asked the officers not to yell at him. PO Ravelo did most of the talking, but PO Gove also yelled at § 87(2)(b) to give the officers his identification. PO Busweiler stood by without making any remark. The officers did not give § 87(2)(b) a chance to respond, but repeatedly yelled at him as § 87(2)(b) reached for his identification. They also asked § 87(2)(b) where he worked. § 87(2)(b) believed that the pants he wore indicated to the officers that he was an officer as well.

§ 87(2)(b) described PO Ravelo, as a Hispanic male, 5'9"-5'10", with a stocky build and a lighter complexion. He appeared to be in his mid-twenties. He had a Caesar haircut and was clean shaven except for possibly a little stubble. § 87(2)(b) believed that PO Ravelo's name was "Arroyo," but the investigation determined that PO Ravelo was the officer in question. § 87(2)(b) described PO Gove as a white male, 6'4", with a medium build and black, curly hair. He also appeared to be in his mid-twenties. PO Busweiler appeared to be a white female, 5'2"-5'4", with a small build and black hair that was pulled up. All of the officers were in uniform.

§ 87(2)(b) showed PO Ravelo his § 87(2)(b) identification, which was inside the case with his shield. PO Ravelo told § 87(2)(b) to remove the case and hand it to him, and § 87(2)(b) complied. PO Ravelo stated that § 87(2)(b) had a knife in his pocket. During his CCRB interview, § 87(2)(b) acknowledged that he had a small knife clipped to his pocket. He described the knife as a "regular pocket knife that you can open up." The knife was in the middle pocket of the right leg of § 87(2)(b)'s cargo pants. About half an inch of the knife's clip stuck out of § 87(2)(b)'s pocket and was visible to the officers. The pocket was shut with velcro, but approximately half of an inch of the clip stuck out. PO Ravelo pointed at the knife, and stated that he was going to run § 87(2)(b) through the system, and he did not care if § 87(2)(b) was a § 87(2)(b). PO Ravelo then turned to walk away, presumably toward his vehicle, but did not go to his vehicle. He turned back to § 87(2)(b) returned his identification, and told him to get out of there.

As § 87(2)(b) walked away, he observed the same officers inside of a nearby pizzeria that § 87(2)(b) believed was called Five Brothers, but was determined by the investigation to be Three Boys of Italy, located at 704 Burke Avenue. The pizzeria is across the street and about five stores away from the original incident location. § 87(2)(b) entered, approached PO Ravelo and asked him for his name and shield number. PO Ravelo pulled his shield away from his body and showed it to § 87(2)(b). PO Ravelo told § 87(2)(b) to leave the pizzeria because he was trespassing. § 87(2)(b) explained that he had been living in the neighborhood for 30 years and could not be trespassing in a pizzeria that he visited every day. § 87(2)(b) left the pizzeria. A couple minutes after § 87(2)(b) had been walking to his house, which is approximately a block away, he decided to go back to talk to the officers to determine the reason for their hostility toward him.

When § 87(2)(b) returned to the pizzeria, the officers were in their vehicle, which was parked outside. § 87(2)(b) approached the vehicle and made eye contact with PO Ravelo, who was in the driver's seat. § 87(2)(b) asked if he could ask PO Ravelo a question. PO Ravelo stated that he did not want to talk to § 87(2)(b) and began rolling up the window in § 87(2)(b)'s face. § 87(2)(b) tapped on the window glass and asked again to speak to PO Ravelo. § 87(2)(b)

then went around to the other side of the vehicle, and told PO Gove that he just wanted to talk. PO Ravelo and PO Gove then “jumped out of the car.” PO Busweiler also got out of the car, but not in the same hurried fashion. She did not say anything. PO Ravelo stated, “So, now you’re going to jail.” PO Ravelo stated that § 87(2)(b) was detained.

PO Gove grabbed the left shoulder of § 87(2)(b)’s football jersey and clutched the jersey’s fabric. § 87(2)(b) stated that he was not going to go anywhere, and asked PO Gove to release his clothing. § 87(2)(b) did not move his body. After a moment, PO Gove let go of § 87(2)(b)’s shirt. In a single movement, PO Busweiler removed the knife from § 87(2)(b)’s pocket. She did not touch any of his other pockets. When she removed the knife, she handed it to PO Ravelo, who opened the knife, and then threw it on top of the police car.

PO Ravelo told § 87(2)(b) that he was going to call the lieutenant, and § 87(2)(b) agreed to wait for the lieutenant. The lieutenant, determined by the investigation to be Lt. Roy Ulloa, arrived ten to fifteen minutes later, according to § 87(2)(b)’s estimation. He did not approach the officers, but asked if he could talk to § 87(2)(b) aside. § 87(2)(b) told Lt. Ulloa what had transpired. Lt. Ulloa asked what § 87(2)(b) wanted to do about the situation. § 87(2)(b) explained that he did not want to get anyone in trouble; he just wanted to leave. Lt. Ulloa took down § 87(2)(b)’s name, address and number. Lt. Ulloa returned § 87(2)(b)’s knife and told him he could leave.

Following the incident, a woman who had witnessed the incident approached § 87(2)(b) and told him that she could be contacted as a witness. § 87(2)(b) only had the name § 87(2)(b) for this woman, and provided her phone number to the investigator.

#### **Attempts to Contact Civilians**

§ 87(2)(b)’s potential witness was contacted by phone on October 11, 2012, and a voicemail was left requesting a call back to discuss § 87(2)(b)’s complaint. On May 20, 2013 and May 21, 2013, the investigator called her two more times, and received a message both times that her number was out of service. § 87(2)(b) could not provide a name or address for this witness, so the investigation had no additional way of contacting her.

#### **NYPD Statements:**

##### **Subject Officer: PO BRANDON RAVELO**

- § 87(2)(b) old on the incident date, PO Ravelo is a Hispanic male, who stands at five feet and seven inches tall, and weighs 210 pounds with black hair and brown eyes.
- PO Ravelo’s tour began at 5:30 p.m. on September 20, 2012, and concluded at 2:05 a.m. on September 21, 2012. His assignment was Conditions in marked RMP § 87(2)(b). He was in uniform and worked with PO Teresa Busweiler and PO Charles Gove.

##### **Memo Book**

PO Ravelo recorded in his memo book that at 8:00 p.m., § 87(2)(b) was stopped at the intersection of Burke Avenue and Cruger Avenue for criminal possession of a weapon. § 87(2)(b) failed to identify himself and refused to comply with a lawful order. § 87(2)(b) also banged on the RMP window. At 8:20 p.m., a UF250 report was prepared regarding the stop (encl. 8A-B).

##### **CCRB Testimony**

On April 11, 2013, PO Ravelo was interviewed at the CCRB (encl. C-E). His statement is summarized below.

On September 20, 2012, at approximately 8:00 p.m., PO Ravelo was driving at the intersection of Burke Avenue and Cruger Avenue; PO Gove and PO Busweiler were also in the vehicle. Through the window of the RMP, PO Ravelo observed § 87(2)(b) with a knife clipped to his right cargo pocket. PO Ravelo recognized § 87(2)(b)'s pants to be cargo pants and boots like those that police officers wear, and assumed that § 87(2)(b) was some sort of officer or security guard. He observed the knife's head and clip protruding from § 87(2)(b)'s pocket, but he was not sure on which leg, although he believed it was the left. PO Ravelo recognized the knife as a gravity knife based on his experience making many arrests due to the possession of gravity knives. He stated that two inches of the clip and one inch of the head of the knife stuck out of § 87(2)(b)'s pocket, which is typical of gravity knives. Upon observing the knife, PO Ravelo pulled the vehicle parallel to § 87(2)(b) rolled down his window, and asked § 87(2)(b) where he worked. At that point, PO Ravelo was about five feet away from § 87(2)(b). PO Ravelo could not remember the exact words of § 87(2)(b)'s response, but the essence of it was that § 87(2)(b) wanted the officers to leave him alone. § 87(2)(b) immediately appeared upset. PO Ravelo perceived § 87(2)(b)'s demeanor, tone and facial expressions as indicating that he was upset that the officers were talking to him. PO Ravelo explained to § 87(2)(b) that he was being stopped due to the knife, the possession of which was illegal. PO Ravelo asked for § 87(2)(b)'s identification, and § 87(2)(b) did not initially comply with the request. He asked why PO Ravelo needed his identification. PO Ravelo estimated that he requested § 87(2)(b)'s identification about five times. PO Ravelo informed § 87(2)(b) that he would be arrested if he did not provide his identification, at which point he verbally identified himself as a § 87(2)(b) and provided his § 87(2)(b) identification card. PO Ravelo told him that things could have been a lot easier if § 87(2)(b) had just identified himself as a § 87(2)(b) right away, and let § 87(2)(b) go on his way.

The officers returned to their vehicle, and PO Ravelo drove to a pizzeria, which he believed was called Three Boys Pizza, and the investigation determined to be Three Boys of Italy Pizza located at 704 Burke Avenue. PO Ravelo explained that the pizzeria was very crowded. He and the other officers entered the pizzeria, and § 87(2)(b) entered about a minute later. He told the officers that he did not like how they had spoken to him. § 87(2)(b) asked why the officers had stopped him, and PO Ravelo explained it to him again. PO Ravelo perceived § 87(2)(b) as being frustrated and angrier than he had been when they first interacted. He then instructed § 87(2)(b) to leave the pizzeria if he was not going to order anything. § 87(2)(b) left the pizzeria and crossed the street. The officers brought their pizza into their RMP and began eating.

While the officers were eating in the RMP, § 87(2)(b) banged on the driver's window of the vehicle. He banged at least three times. PO Gove told PO Ravelo to stay in the car, then exited the vehicle and went around to speak to § 87(2)(b). PO Gove asked § 87(2)(b) to step onto the sidewalk, and then reached to remove the knife from § 87(2)(b)'s pants, but § 87(2)(b) pushed him away. PO Ravelo did not know if any discussion took place before PO Gove reached for the knife. After seeing this confrontation, PO Ravelo exited the vehicle. PO Ravelo grabbed one of § 87(2)(b)'s arms and PO Gove grabbed the other, and they placed him against the vehicle. PO Ravelo asked if § 87(2)(b) was armed three or four times, and § 87(2)(b) did not respond. PO Ravelo decided to frisk § 87(2)(b) because he was acting disorderly by refusing to answer the officers' questions, putting his hands on a police officer and banging on a police vehicle. PO Ravelo believed that § 87(2)(b) wanted to fight him, and felt threatened. Since § 87(2)(b) would not even discuss the knife with PO Ravelo, he was concerned that § 87(2)(b) had another weapon on his person as well. During his CCRB interview, PO Ravelo stated that officers must identify themselves and state whether they are armed. PO Ravelo conducted a full body frisk of § 87(2)(b). He frisked the front of § 87(2)(b)'s waistband, then down the front and

back of § 87(2)(b)'s legs. He also frisked § 87(2)(b)'s arms, armpits, chest and back. PO Ravelo did not feel any additional weapons when he frisked § 87(2)(b). PO Ravelo believed that PO Gove probably frisked § 87(2)(b) as well, but he did not recall specifically where PO Gove frisked. Either PO Ravelo or PO Gove removed the knife. PO Ravelo believed that it was PO Gove who removed the knife. He did not believe that PO Busweiler frisked § 87(2)(b). PO Ravelo denied that § 87(2)(b) was searched in addition to the removal of the knife. PO Ravelo again explained to § 87(2)(b) that he could be arrested for the possession of an illegal knife. PO Ravelo asked where § 87(2)(b) had gotten the knife, and he replied that he was § 87(2)(b).

PO Gove informed § 87(2)(b) that the officers were going to get their boss involved.

PO Ravelo explained that a crowd of about 20 to 30 people had gathered in front of the pizzeria while the incident was taking place. He said that some people were videotaping the incident.

The officers called Lt. Ulloa, and he responded within a few minutes. He spoke to § 87(2)(b) and then told the officers that he had explained to § 87(2)(b) why he was stopped, and § 87(2)(b) was apologetic. Lt. Ulloa instructed the officers to prepare a UF250 report and record the incident in their memo books, and that concluded the incident. PO Ravelo confirmed that one of the officers prepared a UF250 report regarding the stop, but he did not remember which officer did so. PO Ravelo stated that he decided not to issue § 87(2)(b) a summons for disorderly conduct based upon his own discretion.

**Subject Officer: PO CHARLES GOVE**

- § 87(2)(b) old on the incident date, PO Gove is a white male, who stands at six feet and two inches tall, and weighs 235 pounds with brown hair and eyes.
- PO Gove's tour began at 5:30 p.m. on September 20, 2012, and concluded at 2:05 a.m. on September 21, 2012. He was assigned to Conditions and worked with PO Brandon Ravelo and PO Teresa Busweiler. He was in uniform and assigned to marked vehicle, wherein he rode in the passenger's seat.

**Memo Book**

PO Gove recorded in his memo book that at 8:00 p.m., § 87(2)(b) was stopped for criminal possession of a gravity knife at the intersection of Burke Avenue and Cruger Avenue, which PO Gove described as a busy intersection. § 87(2)(b) failed to properly identify himself as a § 87(2)(b) and refused to comply with a lawful order. The knife was clipped to § 87(2)(b)'s right side cargo pocket. PO Ravelo prepared a UF250 report (encl. 7A-C).

**CCRB Testimony**

On March 22, 2013, PO Gove was interviewed at the CCRB (encl. C-E). § 87(2)(g)

On September 20, 2012, at approximately 8:00 p.m., PO Gove sat in the front passenger's seat of the vehicle, looking out the window as PO Ravelo drove. PO Ravelo stopped the vehicle, and he and PO Busweiler exited and approached § 87(2)(b) when they saw the gravity knife clipped to his pocket. PO Gove also exited the vehicle, and upon doing so, also observed a metal clip protruding from § 87(2)(b)'s right cargo pants pocket, indicating that § 87(2)(b) had a knife. PO Gove stood about five to seven feet away, waiting to see what would happen and keeping an eye on the situation to the passenger's side of the vehicle. PO Ravelo or PO Busweiler removed

the knife, and requested § 87(2)(b)'s identification, at which point he identified himself as a § 87(2)(b). PO Gove did not recall which officer removed the knife. He believed that the knife was the only object removed from § 87(2)(b)'s person, and did not recall whether he witnessed the knife's removal. The officers returned § 87(2)(b)'s knife, and decided not to arrest § 87(2)(b) due to his being a § 87(2)(b).

After the officers interacted with § 87(2)(b) in the pizzeria, then returned to their vehicle, § 87(2)(b) knocked on the window, and PO Gove told the other officers that he would exit the vehicle and talk to him. PO Gove exited the vehicle, asked § 87(2)(b) what he was doing, what he was trying to do, and whether he knew the rule that the officer in uniform is always in charge of the situation. PO Gove explained that the officers did not know who § 87(2)(b) was, or what he was planning to do with the knife. PO Gove asked why § 87(2)(b) did not leave and let the officers go on their way. § 87(2)(b)

§ 87(2)(b) stated that he was "looking out for cops." PO Gove did not know what § 87(2)(b) meant by that statement. PO Gove told § 87(2)(b) to walk away, and § 87(2)(b) would not comply. PO Gove reached down to remove the knife from § 87(2)(b)'s cargo pocket. PO Gove did not recall whether he informed § 87(2)(b) that he was going to remove the knife before reaching for it. Before PO Gove could retrieve the knife, § 87(2)(b) pushed PO Gove's hands away. PO Gove mentioned that there were numerous people on the street at this time. He stated that he was tempted to arrest § 87(2)(b) but instead called his lieutenant to the scene. He confirmed that § 87(2)(b) was behaving in a disorderly fashion due to his noncompliance with orders to identify himself and leave. PO Gove informed § 87(2)(b) that his lieutenant was responding to the scene, and instructed § 87(2)(b) to wait for him. About five minutes later, Lt. Ulloa arrived on the scene and spoke to § 87(2)(b) on the street away from the other officers. He then instructed the officers to prepare a UF250 report. PO Gove indicated in his memo book that PO Ravelo completed the UF250 report. PO Ravelo explained to § 87(2)(b) that he could be arrested for his possession, but he was not arrested as a courtesy.

**Subject Officer: PO TERESA BUSWEILER**

- § 87(2)(b) old on the incident date, PO Busweiler is a white female, who stands at five feet and five inches tall, and weighs 155 pounds with brown hair and green eyes.
- PO Busweiler's tour began at 5:30 p.m. on September 20, 2012, and concluded at 2:05 a.m. on September 21, 2012. She was assigned to conditions and in uniform. She worked with PO Ravelo and PO Gove in a marked RMP.

**Memo Book**

PO Busweiler recorded in her memo book that at 8:00 p.m., § 87(2)(b) was stopped at the corner of Burke Avenue and Cruger Avenue for criminal possession of a weapon because there was a knife clipped to his right cargo pocket. § 87(2)(b) failed to identify himself and comply with a lawful order. At 8:20 p.m., a UF250 report was prepared by PO Ravelo (encl. 6A-C).

**CCRB Testimony**

On March 20, 2013, PO Busweiler was interviewed at the CCRB (encl. D-F).

When the officers exited the pizzeria, § 87(2)(b) was waiting for them by their vehicle. They got in their vehicle and began eating their pizza, and § 87(2)(b) banged on the driver's window. PO Busweiler believed that § 87(2)(b) was saying something along the lines of it being "fucked up" that the officers had stopped him. In response to § 87(2)(b)'s latest actions, the officers called Lt. Ulloa and stressed that he had to respond to the scene. PO Busweiler explained

that the officers requested their supervisor because § 87(2)(b) was a member of service. At that point, they stopped § 87(2)(b) so that he was not free to leave. PO Busweiler believed that the officers all exited their vehicle simultaneously. She did not think that there was any discussion of the stop before it was executed. After § 87(2)(b) began acting disorderly, the officers intended to arrest him for criminal possession of a weapon. She confirmed that § 87(2)(b) was raising his voice. Either PO Ravelo or PO Gove instructed § 87(2)(b) to put his hands up against the car, and asked him for his name and identification, both of which he refused to provide. PO Busweiler confirmed that § 87(2)(b) was asked for identification numerous times. One of the officers, PO Busweiler was not sure whether it was her or one of the others, unclipped the knife from § 87(2)(b)'s pocket. No other object was removed from § 87(2)(b)'s person. The officers decided to wait to take further action until Lt. Ulloa arrived. PO Busweiler denied that there was any mention of arresting § 87(2)(b) at this point. PO Ravelo notified § 87(2)(b) that their lieutenant was responding to the scene.

PO Busweiler explained that § 87(2)(b) could have been arrested, but Lt. Ulloa told the officers to give him the benefit of the doubt § 87(2)(b). PO Ravelo completed a UF250 report, and § 87(2)(b) left.

### **Officers Not Interviewed**

§ 87(2)(g)

### **NYPD Documents**

#### **47th Precinct UF250 Logs**

Neither the computerized or handwritten 47<sup>th</sup> Precinct UF250 logs indicate any UF250 prepared regarding the stop of § 87(2)(b). There are no UF250 reports listed prepared by PO Busweiler, PO Gove or PO Ravelo on September 20, 2012 (encl. 11A-F).

### **Status of Civil Proceedings**

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of May 24, 2013 with regard to the incident (encl. 13I).

### **Civilians Criminal History**

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### **Civilians CCRB History**

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 3H).

### **Subject Officers CCRB History**

- PO Ravelo has been a member of the service for three years and there are no substantiated CCRB allegations against him (encl. 3A-C).
- PO Gove has been a member of the service for seven years and there are three substantiated CCRB allegations against him. In CCRB case number 201204955, physical force, threat of force and discourteous action allegations were substantiated against PO Gove, and charges were recommended regarding all three allegations. The NYPD dispositions are still pending (encl. 3D-F).
- PO Busweiler has been a member of service for three years and there are no substantiated CCRB allegations her (encl. 3G).



## Conclusion

### Identification of Subject Officers

§ 87(2)(g)

### Investigative Findings and Recommendations

#### Allegations Not Pleaded

§ 87(2)(g)

#### Allegation A—Abuse of Authority: PO Brandon Ravelo questioned § 87(2)(b) in front of 723 Burke Avenue in the Bronx.

§ 87(2)(b) alleged that immediately after he walked out of a store at the intersection of Burke Avenue and Cruger Avenue in the Bronx, PO Ravelo, PO Gove and PO Busweiler exited their vehicle, and PO Ravelo and PO Gove yelled at him to produce his identification. PO Ravelo commented that § 87(2)(b) had a knife in his pocket, which § 87(2)(b) acknowledged during his CCRB interview that he did have on his person at the time. PO Ravelo returned § 87(2)(b)'s identification and told him to leave.

PO Ravelo testified that from the driver's seat of the RMP, he observed § 87(2)(b) with what PO Ravelo recognized to be a gravity knife clipped to his pants. PO Ravelo pulled the RMP alongside § 87(2)(b) and asked where he worked. PO Ravelo explained that § 87(2)(b) was being questioned due to the illegal knife clipped to his pants pocket. PO Ravelo requested § 87(2)(b)'s identification approximately five times, and § 87(2)(b) declined to provide it. PO Ravelo informed § 87(2)(b) that he would be arrested if he did not provide identification, at which point he verbally identified himself as § 87(2)(b) and provided his identification.

A police officer's request for information involves a brief encounter free of intimidation and intended to clarify an individual's identity or purpose for being in an area. Such an encounter must be prompted by an objective credible reason, not necessarily indicative of criminality. The intrusiveness of the request escalates when an officer's questions become accusatory, indicating that the request is based upon suspicion of the individual's wrongdoing. People v. Hollman, 79 N.Y.2d 181 (1992) (encl. 2A-H). It is essential that the officer's request be reasonable, necessitating that it be based upon conditions adequate to pique the officer's interest and confined to the officer's duty as a guardian of the street. People v. De Bour, 40 N.Y.2d 210 (1976) (encl. 1A-K).

§ 87(2)(g)

§ 87(2)(b)

**Allegation B—Abuse of Authority: PO Brandon Ravelo stopped § 87(2)(b) in front of 704 Burke Avenue in the Bronx.**

**Allegation C—Abuse of Authority: PO Charles Gove stopped § 87(2)(b) in front of 704 Burke Avenue in the Bronx.**

**Allegation D—Abuse of Authority: PO Teresa Busweiler stopped § 87(2)(b) in front of 704 Burke Avenue in the Bronx.**

It is undisputed that § 87(2)(b) tapped or banged on the driver's side window of the officers' RMP to get PO Ravelo's attention. PO Ravelo, PO Gove and PO Busweiler all testified that § 87(2)(b) was acting disorderly at this point due to his refusal to identify himself and leave the scene. The officers then decided to detain § 87(2)(b) at the scene and request Lt. Ulloa's presence to determine how to proceed.

Objective evidence that would warrant a reasonable person to believe that criminality was afoot justifies an officer in detaining an individual for the purposes of further investigation *People v. De Bour*, 40 N.Y.2d 210 (1976) (encl. 1A-K).

§ 87(2)(g)

**Allegation E—Abuse of Authority: PO Brandon Ravelo threatened to arrest § 87(2)(b) in front of 704 Burke Avenue in the Bronx.**

§ 87(2)(b) alleged that when the officers exited their vehicle outside of the pizzeria, PO Ravelo stated, "So, now you're going to jail." PO Ravelo and PO Gove told § 87(2)(b) that they were going to call their boss, and informed § 87(2)(b) that he was detained. PO Ravelo stated that during his initial interaction with § 87(2)(b) he informed § 87(2)(b) that it was illegal to possess the knife that he had clipped to his pants. He subsequently told § 87(2)(b) that he would be arrested if he refused to identify himself. The officers concurred that the illegality of the knife was repeatedly explained to § 87(2)(b) and he resisted the officers' instructions. The officers all testified that they could have arrested § 87(2)(b) following his disorderly and noncompliant behavior, but declined per Lt. Ulloa's instructions.

§ 87(2)(g)

**Allegation F—Abuse of Authority: PO Teresa Busweiler searched § 87(2)(b) in front of 704 Burke Avenue in the Bronx.**

It is undisputed that after § 87(2)(b) was stopped, the knife was removed from his person. He alleged that PO Busweiler removed the knife from his pocket and handed it to PO Ravelo. She did not touch any of his other pockets. PO Ravelo believed that it was PO Gove who removed the knife, but was not certain. PO Gove stated that the knife was removed by either PO Ravelo or PO Busweiler during their initial encounter with § 87(2)(b) but he did not recall whether he witnessed the knife's removal. All officers testified that § 87(2)(b) could have been lawfully arrested, but Lt. Ulloa instructed them not to arrest him per his discretion.

An officer may arrest an individual when he has probable cause to believe that the individual has committed a crime in his presence. People v. De Bour, 40.N.Y.2d.210 (1976) (encl. 1A-K).

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Team: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date